Rev. (1950) Dept

Ms. Series.

No. 2650.

Dated 3. 10. 1950.

Deputed absorbed
blic Servants - C Sankt
nere) - Andrade, Thr. P.F
tived permanent Hugu
zed accountant - Collector
ge - Enhancement -
d pension - Appeal -
Rejected.

Revenue Department.

Subject.

Public Servants - (South Kanara) - Andrade. Mr. P.F. Retired permanent Huzur Head Accountant, Collector's Office - Request for the grant of increased pension petition.

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Station: Madras. Ref.No.D.3680/50-3 dated 21-7-50.

From

Sri A.F.Mascarenhas, Secretary, Board of Revenue.

Sri W.R.S.Sattianathan, ICS., Commissioner of Land Revenue.

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Read:- From the Collector of S.Kanara, L.Dis.1554-50 - dated 6-4-50.

ii) Board's Ref.No.D.3680/50-2 dated 11-5-50.

iii) From the Collector of S.Kanara, Roc.F2-1757/50 d, 6-7-1950.

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Ref:- Ref.No.D.3680/50-2 d/11-5-1950 from the Board of Revenue, Madras.

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Sri P.F.Andrade, Huzur Head Accountant, Collector's Office, Mangalore was promoted as Temporary Head Quarters Deputy Tahsildar on 7-12-1943. Without a break, he continued in that grade till the date of retirement ie. 28-4-1949. As his promotion of this grade was under rule 3A of the Madras Revenue Subordinate Service Rules, his service in this grade came to be regularised with effect from 7-12-1945 ie. after a lapse of two-year-period of active duty. On 30-3-48 he completed probation satisfactorily in that cadre. At the time ~~time~~ of retirement his pay was Rs.160/- in the scale of 150-5-200 The last three-year-period for calculating the average emoluments to work out his pension dates from 28-4-46. The benefit conferred in G.O.No.551 Fin.(Pen) d/21-7-1947 does not extend to the period beyond 31-12-1947. For the remaining period the average emoluments have to be arrived at on the basis of the substantive pay only. As the concession granted in the above G.O. would not increase his pension considerably, he requested the Collector to confirm him in a permanent vacancy in the Dy. Tahsildar's grade with a view to earn pension on the basis of pay drawn by him inthe Dy. Tahsildar's grade during the last 3 years. There were a number of . . . seniors to him in the Dy. Tahsildar's cadre awaiting confirmation. Vacancies in that cadre were a few in number and ~~xxx~~ he could not have been confirmed even to this day if he had been in service. The Collector had no powers to overlook the seniors and confirm a junior just because such a course would help the applicant to earn more pension. The request of the petitioner was rejected in Collector's L.Dis.12672/48. Being an 'L' Disposal of 1948 the file has already been destroyed. A copy of the order found in the file of the Treasury Dy. Collector's office is enclosed.

The temporary posts of Taluk Supply Officers, Head Quarters Dy. Tahsildars etc. which have been in existence for more than 5 years, have not been made permanent yet. G.O.No.238 Ms. dated 2-3-1950 governs the case of persons retiring on and after 1-3-50. Even if this G.O. is given retrospective effect the petitioner

of more than 30 years and therefore the question of countin officiating or temporary service over and above the first 5 years towards pension as given in the G.O. does not arise. The G.O. has no bearing on the petitioner's case.

The petition dated 28-3-50 and Mr. P.F.Andrade and this office D.Dis.3557/48 dated 18-11-49 are sent herewit

for Collector.

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Copy of L.Dis.12672/48 dated 22-7-1948 of the Collector of South Kanara.

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Andrade - (Mr.) P.F. - Officiating Sty. Sub Magistrate, Karkal - Request for confirmation as Dy. Tahsildar - petition of - orders passed.

Read:- Petition dated 19-5-48 from P.F.Andrade, Officiating Sty. Sub Magistrate, Karkal.

2. Coondapur R.D.O's N.Dis.4209/48 dated 20-5-48.

The Collector regrets that he has no power to grant the petitioner's request.

for Collector.

REFERENCE:

Submitted to the Government.

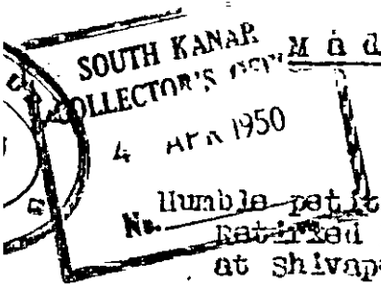
2/ There are no grounds to comply with the reques of the petitioner and the Board has no recommendation to make on his behalf.

For Secretary.

To the Secretary to Government, Revenue Dept., with a petition in original and Collector's file D.Dis.3557/48-Accts., dated 18-11-49.

k.t.a.21/7

The Chief Secretary to the Government of Madras,




Madras.

Humble petition of P. F. Andrade,
Retired Deputy Tahsildar, residing
at Shivapet, Puttur, South Kanara District.

Dated:28- 3-1950.

The above petitioner begs to submit the following:

2. That, he retired from Government service on superannuation with effect from 28-4-1949. He was a permanent Huzur Head Accountant of the South Kanara Collector's Office on a fixed pay of Rs. 120/-. On account of the exigencies of war, when the Temporary Head Quarters Deputy Tahsildar's post was first created in this District, he was appointed in one of the posts. He joined duty on 7-12-1943 and continued in that capacity without a break in service till the date of his retirement from 28-4-1949.

3. That, he had qualified himself for a Deputy Tahsildar's post even prior to his appointment as Head Quarters Deputy Tahsildar. Hence after having put in a service of 2 years and odd, his services were regularised with effect from 30-3-1946. This enabled him to earn two increments raising the pay from Rs. 150/- to Rs. 155/- and to Rs. 160/-. The third increment which fell due on 30-3-1949 was not drawn as he was on leave preparatory to retirement. He was adeclared to have completed his probation satisfactorily with effect from 30-3-1948 in Collector's Order D.Dis. No. 9757/48 dated 14-5-1948.

4. That, during the period of his service as

Head Quarters Deputy Tahsildar he had to work hard devoting not less than 12 hours a day in order to cope with the all round increase in the volume and items of work denying him-self the earned leave to his credit to the extent of 20 months which, he could have availed himself on full pay, in instalments of 8 months at a time as admissible under the rules. His work was no doubt appreciated and he was awarded a red service entry in Collector's Order Pdl.No. 57-1-46 dated 1-2-1946. He also earned a reward of Rs. 10/- for good work done under the National Savings Scheme in Collector's D.Dis. 456/46 dated 8-3-1946. But, the result was, that his health began to fail him so much so, that immediately he entered on leave preparatory to retirement he fell seriously ill as a result of which, he was confined to bed for 5 months necessitat-ing an expenditure to the extent of Rs. 1000/- in order to be able to recover from it. In spite of it he has become an invalid now. While in service he was not in a position to contribute even to the General Provident Fund. He had only a Postal Life Insurance for Rs. 500/- which on maturity fetched a sum of Rs. 600/-. This went to meet a part of the expenses of his illness. Now, a pension of Rs. 62-4-0 plus T.I. Rs. 6/- = Rs. 68-4-0 has been sanctioned to him for all his hard work and sincere service in the department. If he had good health, it would have been possible for him to supplement his pension. But, as it is, for want of health and no other source of income he is very hard hit.

5. In G.O. No. 238 M.S. dated 2-3-1950, certain concessions in the matter of counting officiating and temporary service towards pension have been granted to those who retired from service on or after 1-3-1950. A similar concession was grant-ed in G.O. No. 551 Finance (Pension) dated 21-7-1947 to those who had rendered officiating and temporary service in higher

posts, between 3-9-1939 and 31-12-1947. Hence, those two Government Orders have created an anomaly in that, while the full benefit of the temporary and offi-ciating service was allowed to count for pension to those who retired on or before 31-12-1947 and also those that are to retire from 1-3-1950, the same concession has been denied to those who retired between 1-1-1948 and 28-2-1950. When the nature of service rendered is much the same, it is hard that persons who did the same kind of duty as those who retired on or before 31-12-1947 and also those who retired on or after 1-3-1950, should be deprived of the full concession for the mere fault of having had to retire in 1948 or 1949.

6. Para 3 of G.O.No. 238 M.S. dated 2-3-1950 refers to certain liberal concessions having been made by ordering that all temporary posts in existence for over 5 years and 50% of those in existence for over 3 years might be made permanent. The petitioner had put in 5 years 4 months and 22 days of such service on the date of his retirement. In view of his having put in more than 5 years service in the cadre of Deputy Tahsildar, his appointment having also been regularised, and his probation declared to have been completed satisfactorily, he applied to the Collector on 19-5-1948 for being made permanent so as to enable him to get the benefit of 570 Civil Service Regulations, as he was to retire on 28-4-1949. But, his request was not complied with (Collector's Order L.Dis. 12672/48 dated 22-7-1948) even though there were permanent vacancies of the post of Deputy Tahsildars and Sub Magistrates in the regular line and the temporary Head Quarters Deputy Tahsildar's posts which were creat-

d in 1943 were continuing, and exist even now.

7. The petitionrr prays therefore, that on a kind consider-ation of the facts set forth above, either G.O. No. 238 M.S. dated 2-3-1950 may be suitably amended by giving effect to it from 1-1-1948, making it applicable to those who retired on or after 1-1-1948 and reducing the period to be deducted, from 5 to 3 years, or in the alternative the G.O. referred to in para 3 of G.O. No. 238 M.S. dated 2-3-1950 may at least be made applicable to his hard case and he may be declared to have been made permanent, in order to enable him to get the full benefit of the average of the actual emoluments of officiating pay drawn by him during the 3 years preceeding the late of his retirement, for the purpose of deciding his pension, and his pension may be ordered to be revised according-

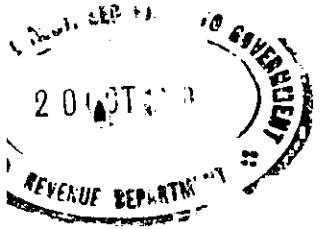
For which act of justice and fairplay the petitionr shall grateful for the rest of his life.

J. Z. Andrade
28.3.50

Petitioner.

To' The Tahsildar of Putter Taluk.
VDis 2893/50 A2

Submitted through the Collector of S. Kanara for favourable consideration. This a fact that immediately after retirement, he fell seriously ill and he had to spend a good deal of money to regain his health. To the best of my knowledge also, the petitioner had carried his utmost while holding office, for the efficient discharge of his duties.



Rev 58933 A
21-8-50

REVENUE DEPARTMENT.
Subject.

Public servants . (SouthKanara). Andrade Mr. P.F . Retired permanent Huzur Head Assistant Collector's Office - Request for the grant of increase pension . petition.

Reference no.D.3680/50.4.

Station: Madras. d/18-8-1950.

From
Sri A.F. Mascarenhas. Secretary,Board of Revenue.

...

ri W.R.S. Sattianathan.I.C.S., Comsr.of Land Revenue.

...

ead again: Board's Ref.no. D.3680/50-3 d/21-7-50.
etition from Sri P.F. Andrade , retired Huzur Head Assistant, d/8-8-50.

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FERENCE.

Submitted to the Government in continuation of Board's referer ited above.

/true copy/ 18.8.50

For Secretary.

The Secretary to Government, Revenue Department, with a peti original. with Collector's endorsement.

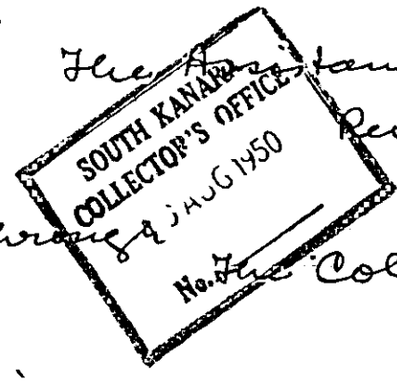
j.18/8/50.

Puttur (S.K)
8-8-50

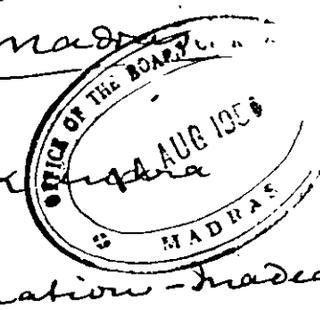
P. F. Andrade
Retired Dy Tahsildar
Residing at Shivapeth, Puttur
Puttur P.O. (South Kanara Dt)

To

The Assistant Secretary to Government
Revenue Department
Madras



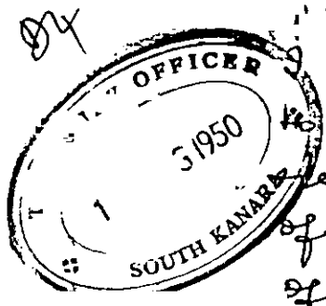

Through the Collector of
South Kanara




Sir,

Pensions Superannuation - Inadequate grant - Enhancement - petition - orders solicited.

I beg to submit that on 28-3-50 I submitted a petition to the Chief Secretary to Government of Madras, praying for the reasons stated therein, for an enhancement of my pension by giving me the full benefit of the average of the actual emoluments drawn by me during the 3 years preceding the date of my retirement, by reason of the fact that I have put in a total continuous service of 5 years and odd as Dy Tahsildar and of which 3 years and odd forms regularised service, my probation as Dy Tahsildar having been declared during the interval to have been completed satisfactorily.




The above petition was received back by me on 12-4-50 with the endorsement no 21349-A-50-1 dated 8-4-50 from the Assistant Secretary to Government, Revenue Department, directing me to resubmit the same through the proper Channel. I, accordingly resubmitted the same on 15-4-50 through the Collector of South Kanara, though I had submitted a copy of that petition on 31-3-50 through

the Tahsildar of Puttur Taluk and the Collector.

I understand that the copy submitted on 31-3-50 and the original resubmitted on 15-4-50 were both submitted from the Collectors office to the Government in april last. more than 3 months have elapsed since and yet I regret to state that I have not been favoured with any orders on the petition. I therefore pray for early orders and that the orders passed may kindly be ordered to be communicated to me.

yours faithfully.

M J Andrade

8.8.50.

Ref F 2 1757/50.

Submitted to the Board of Rev. Madras.

In its mfee. No. D 3680/50-2 dt 11.8.50 the Board of Rev Called for a report on certain points mentioned in the petition dt 28.3.50 submitted by Mr. P.F. Andrade. It was sent to the Bd of Rev. on 6.7.50 vide this Offs Rep F 2/1757/50 dt. 6.7.50.

12.8.50

Dy Collector.

12.8.50

12.8.50

[C.No. S.2586-A/50]

To: Rev Deptt

From:-

Sri P.T. Andrade petitioner d 28/3/50 + 8/5/50.

The Addl Rev Refce D.3680/50-3 d 21/7/50

" " D.3680/50-3 d 18/8/50

G.O. Ms No 2650 Rev d 3.10.50.

~~The Govt decline to interfere in the matter~~. The petitioner is informed that his requests will not be complied with.

22/9/50

20/9

The petitioner Thro' the Collr of South Kanara

Copy to the Collr of S. Kanara with CRs file. Returned by K.P.

Copy to the Addl Secy (L.R.)

Pub. Servants - (South Kanara)- Andrade, Mr. P.F. Retd. permanent Huzur Head Accountant, Collr's office, - Enhancement of pension.

From Sri P.F. Andrade, petn. d/ 28/3/50
From the Board of Rev., Ref.D.3680/50-3, d/21-7-50
From Sri P.F. Andrade, petn. d/8-8-50
From the Board of Rev., Ref. D.3680/50-4, d/18-8-50.

To A.S.

Please see the petns. from Sri P.F. Andrade on pp.3-6 c.f. and pp.8-9 c.f. and the Board's Refce. and encls. on pp.1 & 2 c.f. ~~1~~ 7 4.

2. Sri P.F. Andrade, permanent Huzur Head Accountant, Collector's office, Mangalore, was promoted under rule 3-A of the Madras Rev. Sub. Service rules as temporary Headquarters Dy. Tahr. on 7-12-43 and continued in that post till 28-4-49 when he retired from service. He completed his probation in the ~~Dy. Tahr's cadre~~ category of appointment as Dy. Tahr on 30-3-48 and his ~~service in that~~ was regularised with effect from 7-12-1945. He subd. a petn. to the Collr. ~~in the~~ requesting to ~~know~~ be informed as to whether he could take into account his offg. pay as Dy. Tahr for calculating the average emoluments for working out the pension due to him. The Collr. referred the matter to the A.G. Please see the A.G.'s letter on pp.55-56 c.f. of (C). The A.G. had stated that the average emoluments of the petr. based on the substantive pay of the petr. as H.H.A. for 3 years preceding the date of his retirement might be increased to the extent admissible with refce. to G.O.Ms.No. 551, Fin d/21-7-47. Accordingly, his pension was worked out and it amounted to Rs.62-4-0. vide p.61 c.f. of (C). The petr. represented to the Collr. that he might be confirmed in a permanent vacancy in the Dy. Tahr's grade with a view to earn more pension on the basis of pay drawn by him as Dy.Tahr. for the last 3 years preceding his retirement. For the reasons stated at A on p.1 c.f., the Collr. ~~negatived~~ turned d

his request.

3. The petr. has now stated that the concessions granted in G.O.238, Fin. d/2-3-50 and in G.O.No.551, Fin., d/ 21/7/47 were denied to the persons like him, who retired between 1/1/48 to 28-2-50. He has therefore requested (1) that the G.O.Ms.No.238, Fin., d/2-3-50 may be suitably amended to give benefits to those who retired on or after 1-1-48 and reducing the period to be deducted from 5 to 3 years. or (2) that the concession in para 3 of G.O.Ms.No.238, Fin., d/2-3-50 may be made applicable to him by declaring him permanent in the cadre of Dy.Tahr. in order to enable him to get the full benefit of the average of the actual emoluments of offg. pay. drawn by him during the 3 years preceding his retirement and that the pension may be ordered to be revised accordingly.

Request No.1 above: In G.O.Ms.No.238, Fin.,d/2-3-50 the Govt. directed that continuous tempy. and offg. service rendered by a Govt. servant in a regular capacity deducting a period of 5 years therefrom shall qualify for purposes of pension provided that such service is followed without interruption by qualifying service. The order shall take effect from 1-3-50, i.e. in respect of Govt. servants ~~xhax~~ retiring on or after 1-3-50. The petr. retired from service on 28-4-49 and had a ~~permanent~~ pensionable service of more than 30 years. As stated by the Collr., the G.O. has no bearing on the petr's case. It does not seem necy. to amend the G.O. so as to give benefits to those who retired on or after 1/1/48.

Request No.(2) above: The Govt. have ordered that all temporary posts in existence for over five years and 50 % of those in existence for over three years might be made permanent. The Collr. has stated that the petr. could not be made permanent in the ~~cadre~~ category of Dy. Tahr., as there were a number of seniors to the petr. in the ~~Dy. Tehrs' cadre~~ category, awaiting confirmation and that he had no powers to overlook the seniors and confirm a junior just because such a course

would help the petr. to earn more pension.
The Board of Rev. has stated that there are no grounds to comply with the requestsof the petr. and that it has no recommendation to make on his behalf. In the circumstances stated above, there seems to be no case for interference on behalf of the petr. It is for orders whether the Govt. may decline to intefere in the matter and ~~to reject it to the petn. rejected~~ the petitioner informed that his requests will not be complied with.

4. The case may be sent to ~~Pub.(Ser.) and~~ Fin. before circulation to H.M.(L.R.).

9.5.50 3.9.50

8/9/50 16/9

Fin

Financial Rev

Please see the note on pp 1-3 above.

2/. The proposal at M above may be agreed to and the case turned to Revenue.

9.5.50 18/9/50 Rev.

Rev Dept

Please see the notes from page 1 above. A draft ord is submitted for approval. The case may be circulated to HM(L-R

8/9/50 8/22/9/50 M. 26/9

30 SEP 1950 REVENUE DEPARTMENT

Fin 29/9 HM (LR)